

TITLE 6: BUILDING REGULATIONS
DIVISION 3: BUILDING REGULATIONS
Chapter 12: SWIMMING POOLS, SPAS AND HOT TUBS.
Sections:

- 63.121 Findings.
- 63.122 Definitions.
- 63.123 Barrier Requirements.
- 63.124 Application of Chapter
- 63.125 Additional Barrier Requirements.
- 63.127 Penalties.
- 63.128 Enforcement

63.121 Findings.

It is found, declared and determined that the maintenance of swimming pools, spas, hot tubs and other bodies of water without appropriate precautionary measures constitutes a severe hazard to the safety of the inhabitants of the County of San Bernardino, particularly children.

Adopted Ordinance #3560 (1993); Amended Ordinance #3678 (1996);

63.122 Definitions.

(a) Person Defined. For the purposes of this chapter, the term "person" shall include, but not be limited to, any individual, firm, association, partnership, trust, corporation, political subdivision within the County of San Bernardino, or other form of organization whether operating for profit or otherwise.

(b) Barrier Defined. For the purposes of this chapter, the term "barrier" is a fence, wall, building wall or combination thereof, which completely surrounds the swimming pool, spa, hot tub or other body of water.

(c) Body of Water Defined. For the purposes of this chapter, "body of water" is any out-of-doors body of water having a depth in excess of eighteen inches (18"), designed, constructed and used primarily for swimming, dipping or immersion purposes by men, women or children.

Adopted Ordinance #3501 (1992);

63.123 Barrier Requirements.

(a) Barriers Required. No person in possession of land within the unincorporated territory of the County of San Bernardino, either as an owner, purchaser under contract, lessee, tenant, licensee or otherwise, upon which is situated a swimming pool, spa, hot tub or other body of water having a depth in excess of eighteen inches (18"), designed, constructed and used primarily for swimming, dipping or immersion purposes by men, women or children, shall fail to maintain on the lot or premises upon which such swimming pool, spa, hot tub, or other body of water is located and completely surrounding such swimming pool, spa, hot tub, or other body of water, a barrier not less than four feet (4') in height, which shall comply with the following:

(1) Openings, holes or gaps therein shall not allow passage of a four inch (4") sphere.

(2) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five inches (45"), the horizontal members shall be located on the swimming pool, spa, hot tub, or other body of water side of the fence or wall. Spacing between vertical members shall not exceed one and three-quarters inches (1-3/4") in width. Spacing within the decorative cutouts shall not exceed one and three quarter inches (1-3/4") in width.

(3) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five inches (45") or more, spacing between vertical members shall not allow passage of a four inch (4") sphere. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters inches (1¾") in width.

(4) Maximum mesh size for chain link fences shall be a one and three-quarters inches (1¾") diagonal measurement unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and three-quarters inches (1¾").

(5) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-quarters inches (1¾") in width.

(b) Self-closing and Self-latching Devices and Alarms. All gates or doors through such barriers not opening into habitable area of a dwelling shall be equipped with a self-closing and self-latching device designed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use.

Where the release mechanism of the self-latching device is located less than fifty-four inches (54") from the bottom of the gate, the release mechanism shall be located on the pool, spa, hot tub or other body of water side of the gate at least three inches (3") below the top of the gate, and the gate and barrier shall have no openings greater than one-half inch (½") within eighteen (18") of the release mechanism.

Where a wall of a dwelling serves as part of the barrier, doors from habitable areas with direct access to the pool, spa, hot tub or body of water through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of thirty (30) seconds immediately after the door is opened, and be capable of being heard throughout the dwelling during normal activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation switch shall be located at least fifty-four inches (54") above the threshold of the door. Other means of protection shall be acceptable when approved by the Building Official so long as the degree of protection afforded is not less than the protection afforded by the alarm system described above.

Adopted Ordinance #3501 (1992);

63.124 Application of Chapter.

Except as provided in section 63.125, this chapter shall apply to the following:

- (a) all pools, spas, hot tubs and bodies of water for which permits are issued on or after November 18, 1993; or,
- (b) all pools, spas, hot tubs and bodies of water constructed or installed on or after November 18, 1993.

All other pools, spas and hot tubs and bodies of water need only comply with section 63.125. All plans hereafter submitted to the San Bernardino County Building Official for all swimming pools, spas, hot tubs, and bodies of water to be constructed or installed shall show compliance with the requirements of this chapter and final approval of all swimming pools, spas, hot tubs, and bodies of water hereafter constructed shall be withheld until all requirements of this chapter have been complied with.

Adopted Ordinance #3501 (1992);

63.125 Additional Barrier Requirements.

This section shall apply to the following:

- (a) all pools, spas, hot tubs and bodies of water for which permits were issued prior to November 18, 1993; or,
- (b) all pools, spas, hot tubs and bodies of water which were constructed or installed prior to November 18, 1993, and for which permits were not required.

No person in possession of land within the County of San Bernardino subject to this section, either as owner, purchaser under contract, lessee, tenant, licensee or otherwise, upon which is situated a swimming pool, spa, hot tub or other body of water having a depth in excess of eighteen inches (18"), designed, constructed and used primarily for swimming, dipping or immersion purposes by men, women or children, shall fail to maintain on the lot or premises upon which such pool, spa, hot tub or body of water is located and completely surrounding such pool, spa, hot tub, or body of water, a fence or wall not less than four feet (4') in height, with openings, holes or gaps therein no larger than four inches (4") in any dimension except for doors or gates; provided further, that a dwelling house or accessory building may be used as part of such enclosure.

All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device designed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use; provided however, that the door of any dwelling occupied by human beings and forming any part of the enclosure herein above required, need not be so equipped.

Adopted Ordinance #3501 (1992);

63.126 Appeals.

Any applicant may appeal the requirements of this chapter to the Board of Appeal pursuant to the procedures established by section 63.012 of this Code. The Board of Appeal shall have the authority to consider reasonable interpretations of and alternatives to the requirements specified in this chapter which have been approved by the Building Official. Such interpretations or alternatives must be found to be equal to this chapter in protective ability.

Adopted Ordinance #3501 (1992);

63.127 Penalties.

Any person violating any provision of this chapter shall be guilty of an infraction or misdemeanor as hereinafter specified, and each day or portion thereof such violation is in existence shall be a new and separate offense.

Any person so convicted shall be:

(a) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) and not less than fifty dollars (\$50.00) for a first violation;

(b) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) and not less than one hundred dollars (\$100.00) for a second violation;

(c) the third and any additional violations shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) and not less than five hundred dollars (\$500.00) or six (6) months in jail, or both. Notwithstanding the above, the first or second offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein provided shall not relieve a person from the responsibility of correcting the condition resulting from the violation. In addition to the above penalties, the Court may order that the guilty party reimburse the County of San Bernardino for all costs incurred in investigating, analyzing, and prosecuting the enforcement action against the guilty party; the Court shall fix the amount of any such reimbursements upon submission of proof of such costs by the County of San Bernardino.

Adopted Ordinance #3501 (1992);

63.128 Enforcement.

The provisions of this chapter shall be enforced by the San Bernardino County Building Official.

Adopted Ordinance #3501 (1992);